Remarks

Reconsideration of the above-captioned application is requested. All pending claims have been rejected under 35 U.S.C. §102 as being anticipated by Hylton et al., USPN 5,708,961, specifically relying on col. 26, line 63 continuing to col. 27, line 14 and col. 37, lines 29-40.

The Office Action fails to provide the name and telephone number of the examiner's supervisor. The Office Action fails to provide a return initialed copy of the previously submitted Forms 1449. Correction is required in the next communication from the U.S. Patent and Trademark Office.

Independent Claim 12 as now amended requires that the accounting data be generated using one or both of the type of user terminal, and number of IP packets delivered to the user terminal. This accounting paradigm appears nowhere in the relied-upon sections of Hylton et al. These limitations are also affirmatively required in independent Claim 24.

With respect to Claim 1, nowhere does the Office Action mention the limitation of Claim 1 that the connect server accesses a database of publicly vended content. In fact, nowhere has the examiner identified what in Hylton et al., precisely, is being used as the recited connect server. Indeed, it appears that Hylton et al. nowhere envisions using a database of publicly vended content - it never appears to mention it, certainly not in the sections relied on in the Office Action - but instead simply receives content from an unidentified transmitter. Since, to support an anticipation rejection, every claim element must be taught or inherent in a single prior art reference, Manual of Patent Examining Procedure (MPEP) §2131, the rejection of Claim 1 fails to comply with the MPEP and must be withdrawn.

Additionally, the rejection falls short of what the MPEP requires on a number of levels. First, it simply repeats two paragraphs from Hylton et al. (col. 26, line 63 continuing to col. 27, line 14 and col. 37,

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lines 29-40) without ever drawing a correspondence between each element of each claim being rejected and the relied-upon portions of Hylton et al. Applicant and readers of the present record are left to guess at what is in the examiner's mind. At most, after copying the two paragraphs of Hylton et al. into the Office Action the examiner makes a cursory broad allegation that "the content is in digitized format. Accounting data is generated, and information data are retrieved based on a profile of a subscriber for transmission to the subscriber's terminal."

This is a woefully inadequate rejection. As mentioned above, it completely skips limitations in the independent claims and in any case leaves it up in the air as to what elements in the claims correspond, in the examiner's mind, to elements in Hylton et al. Moreover, the rejection does not even pretend to address *a single* dependent claim.

For example, until it is identified where Hylton et al. teaches the limitation of Claim 2 that the network path is a directional wireless path, the rejection of Claim 2 must be withdrawn.

Until it is identified where Hylton et al. teaches the limitation of Claim 3 that the directional wireless path has no telephony switches therein, the rejection of Claim 3 must be withdrawn.

Until it is identified where Hylton et al. teaches the limitation of Claim 5 that the packets are in IP format, the rejection of Claim 5 must be withdrawn.

Until it is identified where Hylton et al. teaches the limitation of Claim 8 that a subscription is established by a user profile, the rejection of Claim 8 must be withdrawn.

Until it is identified where Hylton et al. teaches the limitation of Claim 10 that accounting data based at least in part on at least one time period, the rejection of Claim 10 must be withdrawn.

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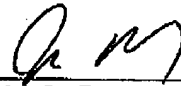Serial No.: 09/542,139   Filed: April 4, 2000
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      Until it is identified where Hylton et al. teaches the limitation of Claim 14 that the private wireless

path is an SDMA path, the rejection of Claim 14 must be withdrawn.

      Until it is identified where Hylton et al. teaches the limitation of Claim 30 that the network path has

a data transmission rate of at least one Mbps, the rejection of Claim 30 must be withdrawn.

      The noted deficiencies are not limiting and exemplary only; Applicant preserves its arguments

regarding other claim limitations and potential examination deficiencies for appeal.

                            Respectfully submitted,

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